

EC-8743. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Health and Safety Data Reporting; Addition of Certain Chemicals; Withdrawal of Final Rule" (FRL No. 9375-3) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Environment and Public Works.

EC-8744. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-157); to the Committee on Foreign Relations.

EC-8745. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Opening of Boquillas Border Crossing and Update to the Class B Port of Entry Description" (RIN1651-AA90) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. NELSON of Nebraska:

S. 3712. A bill to authorize the minting of a coin in honor of the Centennial of Boys Town, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SHELBY:

S. 3713. A bill to make technical corrections to the Dodd-Frank Wall Street Reform and Consumer Protection Act; to the Committee on Banking, Housing, and Urban Affairs.

ADDITIONAL COSPONSORS

S. 3077

At the request of Mr. PORTMAN, the names of the Senator from Texas (Mr. CORNYN), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 3077, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the Pro Football Hall of Fame.

S. 3460

At the request of Mr. COONS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3460, a bill to amend the Internal Revenue Code of 1986 to provide for startup businesses to use a portion of the research and development credit to offset payroll taxes.

S. 3673

At the request of Mr. CORKER, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 3673, a bill to provide a comprehensive deficit reduction plan, and for other purposes.

S. RES. 618

At the request of Mr. LEVIN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. Res. 618, a resolution observing the 100th birthday of civil rights icon Rosa Parks and commemorating her legacy.

AMENDMENT NO. 3395

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 3395 proposed to H.R. 1, an act making appropriations for disaster relief for the fiscal year ending September 30, 2013, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SHELBY:

S. 3713. A bill to make technical corrections to the Dodd-Frank Wall Street Reform and Consumer Protection Act; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SHELBY. Mr. President, I rise today to discuss legislation that I introduced to make technical corrections to the Dodd-Frank Act.

Two and a half years ago, Congress rushed to pass the 2,300 page Dodd-Frank Act and, like any large and complex piece of legislation, it contains numerous technical errors.

For example, section 742(b) of Dodd-Frank amends the Gramm-Leach-Bliley Act by citing to section 206(e) of that act when, in fact, Gramm-Leach-Bliley does not have a section 206(e).

Another example is that Dodd-Frank abolished the Office of Thrift Supervision, but failed to take out references to the OTS in at least 20 statutes.

These are the types of errors that should be corrected.

While I strongly opposed Dodd-Frank and do not believe that it should have become law, I nevertheless believe that we should at least attempt to clean up the errors found throughout the legislation.

Accordingly, the legislation I have introduced focuses purely on technical corrections of non-substantive inaccuracies and omissions in the final Dodd-Frank bill.

The bill I introduced could have been many pages longer, but I sought to keep it to only those changes that were purely technical.

There are many other technical changes that could be made that also involve policy judgments.

I decided not to include those changes in my bill because I wanted to introduce a bill that could garner broad bipartisan support and serve as a starting point for forging additional compromises on other problems with Dodd-Frank.

If Congress is ever going to be bipartisan, this is the bill. We should at a bare minimum be able to agree that a law with numerous technical errors should be fixed at least to the extent of those technical issues.

While the issues addressed in this bill are technical in nature, they also take into account the realities with the ongoing implementation of Dodd-Frank.

For example, this legislation extends for one year the deadline for completing and issuing the regulations, studies and reports required by Dodd-Frank that have not been met by the date specified.

This provision does not aim to delay or undermine the rulemaking process in any way.

On the contrary, it is meant to address the flawed rulemaking process stipulated by Dodd-Frank, which directs financial regulators to complete an unprecedented number of rulemakings in very short time frames.

Presently, our financial regulators are in violation of the law because they have not completed scores of rulemakings by the times prescribed by Dodd-Frank. This is not how the world's leading democracy should function.

Congress's laws should be followed, especially by the agencies it has created. Congress should either hold regulators accountable for not making statutory deadlines or should grant regulators more time so that they are not in violation of the law.

In this case, extending deadlines is the appropriate and reasonable approach.

While I offer this bill to technically improve Dodd-Frank, my views about the substantive provisions of Dodd-Frank have not changed.

I continue to believe that it is a flawed and poorly conceived piece of legislation. It expanded the scope and power of ineffective bureaucracies, created vast new bureaucracies with little accountability, and seriously undermined the competitiveness of the American economy.

Moreover, Dodd-Frank did all that without accomplishing what it set out to do—make our financial system safer.

Instead, Dodd-Frank preserved and codified preferential treatment for large financial institutions.

It solidified the close relationships between regulators and big banks by maintaining their pre-existing prudential regulators.

Dodd-Frank also protected the big banks from bankruptcy by creating a new resolution mechanism to ensure that large financial institutions do not fail.

In addition not one regulator was held accountable in the wake of the crisis. To add insult to injury, the very same regulators that missed the warning signs were then closely consulted on how to draft Dodd-Frank.

Accordingly, many provisions in Dodd-Frank should be reexamined and replaced with language which would actually address the serious problems in our financial regulatory system.

This bill, however, does not address any of my substantive concerns with Dodd-Frank. In fact, I made a conscious effort to avoid any substantive recommendations, and to focus exclusively on technical corrections.

My hope is that this bill will form the foundation for a more comprehensive debate on Dodd-Frank in the next Congress. Therefore, I intend to reintroduce this bill when we return in January.

By working together to revise Dodd-Frank, I believe Congress can not only

make our financial system safer, but also foster economic growth and job creation.

One would think that we could reach a bipartisan consensus on that.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3439. Mr. WYDEN (for himself, Mr. UDALL of Colorado, Mr. LEE, Mr. DURBIN, Mr. MERKLEY, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. FRANKEN, Mr. WEBB, Mrs. SHAHEEN, Mr. TESTER, Mr. BINGAMAN, Mr. LAUTENBERG, Mr. COONS, and Mr. BAUCUS) proposed an amendment to the bill H.R. 5949, to extend the FISA Amendments Act of 2008 for five years.

SA 3440. Mr. REID (for Ms. MIKULSKI) proposed an amendment to the bill H.R. 1, making appropriations for disaster relief for the fiscal year ending September 30, 2013, and for other purposes.

SA 3441. Mr. REID (for Mrs. FEINSTEIN (for herself and Mr. CHAMBLISS)) proposed an amendment to the bill S. 3454, to authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government and the Office of the Director of National Intelligence, the Central Intelligence Agency Retirement and Disability System, and for other purposes.

SA 3442. Mr. REID (for Mr. BURR) proposed an amendment to the bill H.R. 1464, to express the sense of Congress regarding North Korean children and children of one North Korean parent and to require the Department of State regularly to brief appropriate congressional committees on efforts to advocate for and develop a strategy to provide assistance in the best interest of these children.

SA 3443. Mr. REID (for Mr. BURR) proposed an amendment to the bill H.R. 1464, *supra*.

SA 3444. Mr. REID (for Mr. LEAHY (for himself and Mr. GRASSLEY)) proposed an amendment to the bill H.R. 6621, to correct and improve certain provisions of the Leahy-Smith America Invents Act and title 35, United States Code.

TEXT OF AMENDMENTS

SA 3439. Mr. WYDEN (for himself, Mr. UDALL of Colorado, Mr. LEE, Mr. DURBIN, Mr. MERKLEY, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. FRANKEN, Mr. WEBB, Mrs. SHAHEEN, Mr. TESTER, Mr. BINGAMAN, Mr. LAUTENBERG, Mr. COONS, and Mr. BAUCUS) proposed an amendment to the bill H.R. 5949, to extend the FISA Amendments Act of 2008 for five years; as follows:

At the end, add the following:

SEC. 5. REPORT ON THE IMPACT OF THE FISA AMENDMENTS ACT OF 2008 ON THE PRIVACY OF THE PEOPLE OF THE UNITED STATES.

(a) FINDINGS.—Congress makes the following findings:

(1) The central provision of the FISA Amendments of 2008 (Public Law 110-261; 122 Stat. 2436) enacted section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) which provides the government authority to collect the communications of persons reasonably believed to be citizens of foreign countries who are located outside the United States.

(2) Such section 702 contained restrictions regarding the acquisition of the communications of United States persons which were intended to protect the privacy of United States persons and prevent intelligence

agencies from using the authority in such section to deliberately read or listen to the communications of specific United States persons without obtaining a warrant or emergency authorization to do so.

(3) Estimating the total number of communications to or from the United States collected under the authority in such section 702 would provide an indication of the degree to which collection carried out under such section has impacted the privacy of United States persons.

(4) Estimating the number of wholly domestic communications collected under the authority in such section 702 would provide a particularly significant indication of the degree to which collection carried out under this authority has impacted the privacy of United States persons.

(5) While Congress did not intend to provide authority in such section 702 for elements of the intelligence community to deliberately review the communications of specific United States persons without obtaining individual warrants or emergency authorizations to do so, such section 702 does not include a specific prohibition against this action, and the people of the United States have a right to know whether elements of the intelligence community have deliberately searched through communications collected under such section 702 to find the communications of specific United States persons.

(6) Despite requests from numerous Senators, the Director of National Intelligence has declined to state publicly whether—

(A) any entity has made an estimate of the number of United States communications that have been collected under such section 702;

(B) any wholly domestic communications have been collected under such section 702; or

(C) any element of the intelligence community has attempted to search through communications collected under such section 702 in a deliberate effort to review the communications of a specific United States person without obtaining a warrant or emergency authorization permitting such a search.

(7) In public remarks in July 2012, the Director of the National Security Agency stated that “the story that we have millions or hundreds of millions of dossiers on people is absolutely false”.

(b) REPORT.—

(1) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the impact of the amendments made by the FISA Amendments Act of 2008 (Public Law 110-261; 122 Stat. 2436) and other surveillance authorities on the privacy of United States persons.

(2) CONTENT.—The report required by paragraph (1) shall include the following:

(A) A determination of whether any government entity has produced any estimate regarding—

(i) the total number of communications that—

(I) originated from or were directed to a location in the United States; and

(II) have been collected under the authority of section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a); or

(ii) the total number of wholly domestic communications that have been collected under such authority.

(B) If any estimate described in subparagraph (A) was produced, such estimate.

(C) An assessment of whether any wholly domestic communications have been collected under the authority of section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a).

(D) A determination of whether any element of the intelligence community has ever attempted to search through communications collected under section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) in a deliberate effort to find the communications of a specific United States person, without obtaining a warrant or emergency authorization to do so.

(E) A determination of whether the National Security Agency has collected any type of personally identifiable data pertaining to more than 1,000,000 United States persons.

(c) FORM OF REPORT.—

(1) PUBLIC AVAILABILITY OF REPORT.—The report required by subsection (b) shall be made available to the public not later than 15 days after the date such report is submitted to Congress.

(2) REDACTIONS.—If the President believes that public disclosure of information in the report required by subsection (b) could cause significant harm to national security, the President may redact such information from the report made available to the public.

(3) SUBMISSION TO CONGRESS.—If the President redacts information under paragraph (2), not later than 30 days after the date the report required by subsection (b) is made available to the public under paragraph (1), the President shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a statement explaining the specific harm to national security that the disclosure of such information could cause.

SA 3440. Mr. REID (for Ms. MIKULSKI) proposed an amendment to the bill H.R. 1, making appropriations for disaster relief for the fiscal year ending September 30, 2013, and for other purposes; as follows:

Amend the title to read:

“An Act making appropriations for disaster relief for the fiscal year ending September 30, 2013, and for other purposes.”

SA 3441. Mr. REID (for Mrs. FEINSTEIN (for herself and Mr. CHAMBLISS)) proposed an amendment to the bill S. 3454, to authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government and the Office of the Director of National Intelligence, the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Intelligence Authorization Act for Fiscal Year 2013”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

Sec. 101. Authorization of appropriations.

Sec. 102. Classified Schedule of Authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.